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SPEECH
OF
HON. S. A. SMITH, OF TENNESSEE,
ON THE
STATE OF AFFAIRS IN KANSAS.

25-10
DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 25, 1856.

Mr. Speaker, if I can get the attention of the House, I wish to submit a few remarks now upon this bill, not in the spirit, however, in which they seemed to fall from the gentleman from Pennsylvania. The time has come, it seems to me, when reason and not passion ought to reign. Since the adoption of the federal constitution we have passed through many scenes of excitement and disturbances of the public mind, and at the close of all of them considerate men of most of the political parties that have existed in the country have been ready to come to some reasonable conclusion upon a fair, just, and equitable settlement of the questions which divided the different sections of the confederacy. I regret, sir, that the gentleman from Pennsylvania has seen proper to add to his professed statement of facts, in reference to the difficulties in Kansas and to the bill now under consideration, an unjust attack upon those whose duty it is, and who have discharged that duty faithfully, to execute the laws of the country. And I may be permitted to remark here, that while gentlemen from the North denounce the administration for their conduct in the execution of the laws in Kansas, and accuse them of partiality in their enforcement, there are some, I regret to say, in the southern States who also complain of the Executive for his conduct in the execution of the laws in that distant Territory. Both sides complain, which is the highest evidence that he is faithfully discharging his duty to the whole country.

I expected, sir, from the calmness with which that gentleman usually treats subjects, that the chairman of the Committee on Territories would come here with no purpose to inflame the public mind, either in this House or in the country. I stand here to-day to vindicate the *wrong* actions neither of southern men nor northern men, but to condemn both alike. I am an impartial observer of the unfortunate events which are occurring and have occurred in Kansas Territory. When I see a man from my own section of the country violating the law or disturbing the public peace, I feel that, educated as he has been, trained as he has been, to love law and order, and to be an observer

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of the laws of the land, he is as much to blame as those citizens in the northern States whose fanaticism prompts them to resistance to the law and a violation of the constitution of their country. I would justify neither side, nor is it my purpose particularly or harshly to condemn either. This is not the time for criminations and recriminations. It is time now to devise and adopt the means to quiet this excitement in the country. Knowing what has been the action of the Executive on these questions, I stand here to defend him from all assaults, from whatever quarter—whether from the North or from the South, from the East or from the West—in reference to his conduct in the execution of the law in that Territory.

The gentleman from Georgia (Mr. STEPHENS) has indicated a proposition here this morning which is not new to me, (if I properly understand it,) and which I hope to see him introduce at the earliest opportunity. I suppose it is a proposition which was introduced into the Senate this morning by a Senator from the same State. That proposition—and the House will understand it when it comes before us—is in my judgment fair, equitable, and just, and is based on principles on which all men who love the Union can act together, so far as the institution of slavery in that Territory is concerned. It simply proposes to allow the people *now* in that Territory to form a constitution under proper guards and restrictions, and ask admission into the Union, and meets with my unqualified approval.

I hope it will be brought forward at an early day as an amendment of, or substitute for, this bill, and that considerate men of all parties will lay aside their prejudices, sectional and political, and adopt it, and thus settle at once this disturbing question. Some may object to the details of the bill. Some may object to the number of population in the Territory; which is, I confess, a plausible objection in relation to other Territories than that of Kansas. But, in view of the importance of the settlement of these questions—of restoring peace and quiet to the public mind of the country—I am willing to take them with even 5,000 inhabitants, and make it an exception to the general rule. I shall not complain of others who are not willing to do that; but I do think these matters ought to be surrendered in view of the important results to be accomplished by the adoption of the measure to which I have referred.

Having said this much in reference to the mode of pacification which has been proposed, I shall now review briefly the history of the causes of these difficulties, and the action of the Executive in the enforcement of the laws in the Territory of Kansas.

In 1820 the question arose as to a portion of the territory of the United States connecting itself with the local institutions recognised by the constitution of the country, which created great excitement and general alarm. In the midst of that excitement the question was determined by a measure which was called a compromise. It was acquiesced in by the South; it was received by the North with demonstrations of dissatisfaction, and was in that region a constant subject of denunciation by large, and, in many respects, respectable portions of the northern people. I think it was subject to the most serious objections; hence I am not

surprised in reviewing our history to find that it gave *substantial* satisfaction to the people of no section of the confederacy. From the extent, geographical characteristics, and the circumstances which had become interwoven with the social frame-work of different parts of the country, the constitution could only be formed in a spirit of compromise. It is well known that with those men who constituted the convention, who had stood shoulder to shoulder through such a struggle for civil and religious liberty as the world had never witnessed before—men who were bound together by a mutual confidence and affection, such as spring up only among those who have shared common toils and common dangers—there was but one serious obstacle to complete harmony and prompt success; that obstacle, in plain language, was the existence of domestic slavery in a portion of the States of this Union. At one time it seemed to be insurmountable, but it was overcome by propositions as simple as they were just. Those principles involved a compromising feeling, perhaps of conviction—at all events, a noble sacrifice upon the altar of common brotherhood. The compromises and concessions of that convention were noble; and most fruitful have they been in results, which have tended to our advancement, dignity, and prosperity, national, social, and individual. The leading principles which I have adverted to are these:

1st. Absolute and perfect equality among the States of rights, privileges, and immunities.

2d. Absolute right of each and every State to determine, establish, and maintain its own domestic institutions according to its own convictions of right, expediency, and interest.

Upon these principles alone could the constitution have been adopted, and upon their firm maintenance alone can this Union be preserved. Hence, in my judgment, it closed the door to compromises in all future time.

From 1820 to 1834 this disturbing question but slightly agitated the public mind; but during the last twenty years, I need not remind this House how constantly it has been the subject of acrimonious reproach and retaliatory denunciation, in and out of Congress. In 1850 and '51 it assumed a practical form and alarming power in consequence of the acquisition of new territory by this government. The question at once arose whether the compromise of 1820 should be extended, and the line of 36° 30' run out to the Pacific ocean.

The South, as a peace-offering, were ready to stand by it, as the journals of Congress affirm. The North rejected it, as shown by the same journals. It was, in my judgment, not merely an invasion of the constitutional principles to which I have before adverted, but it was objectionable in this: that it undertook to apply an arbitrary geographical line to a *moral and social question*. The controlling minds in that hour, which tried the strength of the band that binds us, (Cass, Clay, and Webster,) found no solution of the problem which they were compelled to solve, but in the great fundamental principle which relieved our fathers from like difficulties in the formation and adoption of the constitution itself.

For twenty years this question had agitated Congress and the country

without a single beneficial result. They resolved that it should be transferred from these halls—that all unconstitutional restrictions should be removed, and that the people in the Territories should determine for themselves the character of their local and domestic institutions under which they were to live, with precisely the same rights, but no greater than those which were enjoyed by the old thirteen States. Excitement was intense and clamor loud, but the sober judgment of the people ratified the constitutional action of their representatives.

In 1854 the same question was presented, when the necessity arose for the organization of the Territories of Kansas and Nebraska, and the identical principle was applied for its solution. I, for one, as a southern man, did not accept it with reference to any result which it might probably produce. I accepted it because it was constitutional, just, and safe. I accepted it because I believed it to be the only principle which could secure the legitimate rights of all sections of the Union. It had not merely the convictions of my own judgment to sustain it, but it had the sanction of the patriotism and wisdom of the revolutionary fathers. If this great principle of popular sovereignty be justly carried out and sacredly maintained, it will give in time to come what we have enjoyed in the past—union, strength, prosperity, and happiness. If it be struck down by passion, fanaticism, or sectional prejudice in either section of the confederation, I will not permit myself to contemplate the woes that await us. What I wish to see, then, as an American citizen, respecting and cherishing, as I do, the mass of my countrymen, in whatever latitude they may be, and loving and desiring to protect every part of our country's soil, is, that this principle shall be fairly, justly, and impartially carried out in Kansas, and every where else. And whatever may be the character of the institutions it shall introduce into Kansas or any other portion of our broad domain, I shall yield to the result a cheerful, a willing acquiescence. Protection to *all* in the Territory of Kansas, in whatever latitude they may have been reared, or whatever sentiments or opinions they may entertain, consistent with a republican form of government, is what I desire. I desire the protection of persons and property *for all*; I desire security of freedom in the exercise of the privilege dearest to freemen—that of the elective franchise *for all*; and I, for one, am ready to clothe the Executive, if he does not *already* possess *them*, with ample *power and* means to secure these results. But let me warn gentlemen, that they can never be attained by resistance to the laws of the land; that no amount of means which can be raised to aid in setting those laws at defiance—that no declarations of assemblies, legislative or otherwise, usurping the functions of the judiciary, and attempting to settle the constitutionality of legislative enactments, can compass the results which, in common with all patriotic men, I trust, I truly desire to see consummated. Such efforts can only engender strife and bad feeling between the different sections of the Union, produce personal collisions between citizens of the same common government, protected alike by the same constitution and laws, and enjoying the same common heritage bequeathed to us by our revolutionary fathers. The state of feeling now existing between the citizens of the

different sections of the confederacy is of an alarming character, and it becomes the imperative duty of every one who desires the perpetuation of the *Union* to use all fair means in his power to allay this sectional strife, and restore that harmony and good feeling which so happily existed prior to the agitation of what has been termed this "vexed question of African slavery."

The excitement which now exists has been, in a great measure, produced by the personal collisions which have occurred in Kansas Territory, resulting in many instances in bloodshed, murder, and assassinations amongst those who have a common interest in the same government, which extends alike its protection to all its citizens. It is not my purpose now to discuss the question of who is right or who is wrong. I believe citizens of *both* sections have acted imprudently in reference to the difficulties which now exist in the Territory of Kansas. This is not the time to discuss the causes of these unfortunate difficulties, which are fast bringing into disrepute the fair fame of our republic. They must be *stopped*, and the question is how is it to be done? The President of the United States has done all in his power to prevent insurrection and preserve the public peace in that Territory, and I rejoice to know that his efforts are about to succeed. But what has Congress done to aid him in preserving order in that distracted country? Nothing. Notwithstanding this is an extraordinary emergency, he has been left alone to use the limited means and power conferred upon him by the constitution, to see that the laws of the United States are faithfully executed. Passing by the annual message of the President of the United States, in which our attention was called to the difficulties likely to occur there, on the 24th day of January last he sent a *special* message to both houses of Congress informing us of the state of affairs which then existed in the Territory of Kansas, and urged us to place at his disposal the means necessary to prevent the disgraceful occurrences which have since transpired. In that message the President used the following emphatic language:

"No citizen of our country should permit himself to forget that he is a part of its government, and entitled to be heard in the determination of its policy and its measures, and that, therefore, the highest considerations of personal honor and patriotism require him to maintain, by whatever of power or influence he may possess, the integrity of the laws of the republic.

"Entertaining these views, it will be my imperative duty to exert the whole power of the federal executive to support public order in the Territory; to vindicate its laws, whether federal or local, against all attempts of organized resistance; and so to protect its people in the establishment of their own institutions, undisturbed by encroachment from without, and in the full enjoyment of the rights of self-government assured to them by the constitution and the organic act of Congress."

The House of Representatives, it is true, was then in a disorganized or unorganized state. It was, however, soon after organized, but took no steps to aid the President in preserving order in Kansas. No steps having been taken by Congress to aid the Executive in enforcing the law in that Territory, on the 11th day of February last, the President issued his proclamation, reciting the disorders which had previously occurred there, and declaring that all the power vested in him by the constitution would be exercised to execute the laws of Congress and of the Territory, and to prevent the invasion of the rights of

the citizens thereof, coming from whatever source it might—whether from the North or the South. Still Congress remained silent, and to this day has done no act to furnish the Executive department of the government with the means to suppress the lawless violence or to quell the organized opposition to the laws of the country, which for some time has existed on the borders of Kansas. If, therefore, any branch of the government is justly censurable for the state of things now existing in that Territory, it is the legislative, and not the executive—it is *Congress*, and not the President.

During all this time the abolition press of the North have had hired emissaries and correspondents in the West to exaggerate the state of things there—to keep up the idea of a CIVIL WAR actually existing—in order to inflame the public mind and continue an excitement from which they expect to derive benefit at the coming presidential election. But, sir, in despite of that element in this House—which, to those unacquainted with our system of government, would seem to be driving the Union to destruction—the President has, with a prudence equalled only by WASHINGTON, and a firmness and courage such as only characterized ANDREW JACKSON, enforced the law in that distracted Territory, and dispersed the lawless bands, no difference from what quarter they had come, whose object was resistance to the laws and the disturbance of the public peace of the country. Fortunate it is for the country that we have a President, who, regardless of public clamor from any section of the Union, or of personal consequence to himself, has the courage and the patriotism to execute faithfully *all* the laws, without regard to the locality of their application or the domestic interests to be affected thereby. Such has been the course of the present Executive in reference to these exciting difficulties; and such conduct must meet the approval of every one in this House and in the whole country, except those whose fanaticism and political *madness* have determined them in their own minds to openly rebel against the constitution and the laws of their country. Such there are here; and if M. De Tocqueville, the French traveller and author, were to revisit our country, and then favor the world with another edition of his views of government, the history of the present House of Representatives of the American Congress would furnish him with ample material for an additional chapter to prove his favorite theory of the “inevitable downfall of all republics.”

But, in the language of President Pierce, “if, as I fully believe, our fathers were not only guided and sustained through the changing scenes and struggles of the revolution, but were inspired after its close to devise and adopt the constitution, by Omnipotent Power, we may repose upon an humble but unwavering faith that that Power will not permit the *madness* of their children to destroy it.”

The dangers which now menace the Union are the result, first, of the efforts of political demagogues to excite and inflame the public mind in different localities to aid in the promotion of those whose ambition prompts them to a reckless disregard of their duty to themselves, to their country, and to posterity, and causes them thus to endanger our republican institutions for the paltry consideration of a personal sectional triumph.

Secondly, in a misunderstanding on the part of the people of the non-slaveholding States as to the motives, purpose, and policy of the slaveholding States with reference to the extension of their peculiar institution. I say here as a southern man, and I believe the sentiment will be sanctioned by nearly every southern representative on this floor, that if a bill were introduced in Congress to *establish* slavery in Kansas, or any other Territory of the United States, I should unhesitatingly *vote against it*. And this I would do, notwithstanding I honestly believe African slavery to be a moral, a social, and a political blessing, applicable alike to the master and to the slave. Why, then, cannot the North meet us upon this common ground, and declare that they would not *prohibit* slavery by congressional enactment in any of the Territories of the United States? This would leave the people to be affected by the institution to determine the question for themselves in their own way, "subject only to the constitution of the United States." All who have carefully studied the history of the past, and who have acquired that knowledge of human nature necessary to enable them to form a correct idea of the result of events *every day* transpiring around them, must know that whatever may be the action of Congress, the people to be affected by this institution will ultimately determine the question for themselves, and in that determination will be governed alone by their own notions of interest, of principle, of public policy, and by those influences which usually move to action the public mind of the country. Why, then, can we not meet together upon a common ground, without regard to personal consequences to ourselves, and settle this question upon those principles of justice and equality, which ought always to characterize the action of American freemen?

Now, Mr. Speaker, I speak here only for myself, and I say to this House, what I honestly believe, that if the Territory of Kansas forms a State constitution tolerating the institution of slavery, it will be the result of the efforts of those who are striving to make her a non-slaveholding State. I did not vote for the Kansas-Nebraska bill for the purpose of making Kansas a *slave* State. I voted for it to remove an unconstitutional restriction in the Territory, and to restore that equality among the States of the Union which existed at the adoption of the federal constitution. I will not speak harshly of any of the political parties of the country; but the efforts of those in the free States to *force* upon that Territory a system of laws and institutions without regard to the interests or opinions of the *bona fide* citizens thereof, has produced a counter movement on the part of many in the southern States, who did believe it important to an institution affecting alike their principles and their interest, and to the Union, that the Territory of Kansas should be made a slaveholding State. But, sir, when men go there, whether from the North or from the South, to engage in civil strife and disturb the public peace of the country, I condemn them. Nor shall personal consequences to myself ever prevent me from speaking my mind as freely in reference to the conduct of citizens of my own section or State, as of those who reside in a different latitude.

I care not what may be the sentiments of the people of Massachusetts or of Vermont, of New York or of Pennsylvania, if their representatives



come forward here and vote for a just and equitable settlement of the questions in order to quiet the public mind and thus of the States, they would be met, I am satisfied, by the southern members of this House in a spirit such as their constituents do not believe exists in that section of the country. There is a conservative feeling here, and I believe it exists with every member from a southern State, and that feeling rises far above any personal consideration affecting individual members of this House. It is time we should quit talking of the South, of the North, of the East, or of the West. It is time we should come together, and talk as *one people* in regard to our great country and the interests which are to affect its future prosperity and future happiness. I wish to see these sectional feelings laid aside. It is time that members should summon the courage to *create*, instead of following, the public sentiment of their particular districts. If there were any quality to be admired above all others in that distinguished man from the State of Massachusetts, who fell here in this hall at what he considered his post of duty, John Quincy Adams, it was that he never attempted to follow, but always to *lead*, public opinion in his own section of the country. This was a virtue in him which I always admired. Are there not now here from the North men who, regardless of the public clamor that reigns in their country, excited by demagogues, by men who hope to ride into public power upon the public excitement which they have created—are there, I say, no men here from the northern States who, belonging to that party which has been denominated the republican party, are ready to step forward and create a sound public opinion in his own section, instead of following in the wake of that morbid sentiment fermented by those who care not a groat for the honor of their country or of the perpetuity of our free institutions? I hope that there are some. I believe there are men enough in this House, if left to their own sober judgment, irrespective of the feelings which have been improperly excited, of their constituents, irrespective of the public clamor that has been raised in their immediate districts, who are conservative in their notions, and feelings, and principles, and who desire a settlement of this question on principles just, fair, and equitable to all sections of the Union. I hope that that will be done; and when it is done, I will, so far as I am concerned, have no desire to be any longer a member of the Congress of the United States.

In accordance with my promise, I now renew the motion of the gentleman from Pennsylvania, (Mr. Grow,) to go into Committee of the Whole on the state of the Union.

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